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wherein only said first firmware has authority to access the first storage medium driven by said first drive, and only said second firmware has authority to access the second storage medium driven by said second drive.

8. (AS ONCE AMENDED) A license devolution method, comprising
storing in a first storage medium contents encrypted with a predetermined key, a first media ID identifying the first storage medium, and encryption secure information generated by encrypting with the first media ID, the key and a first use information, which represents a right to use the contents;

sub 93
decoding the first encryption secure information using the first media ID to obtain the key and the first use information;

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generating a second encryption secure information by encrypting with a second media ID, which identifies a second storage medium, the key and a second use information, which represents a second right to use the contents that is devolved from the first storage medium to the second storage medium; and

storing the second encryption secure information in said second storage medium, wherein the right to use the contents stored in the first storage medium is devolved from the first storage medium to the second storage medium.

REMARKS

In the final Office Action mailed November 30, 2000, the Examiner object to claims 1 and 8; and rejected claims 1-8 under 35 USC 103(a) as being unpatentable over Ross (US Patent No. 5,553,139) in view of Hasebe (US Patent No. 5,392,351).

In the final Office Action mailed November 30, 2000 the Examiner noted that claims 1-8 were pending, and rejected claims 1-8. Claims 1, 2, 3, 5, 6 and 8 have been amended to improve form only, and thus, claims 1-8 remain pending for reconsideration which is requested.

The foregoing objections and rejections are respectfully traversed. No new matter has been added in this Amendment.

CLAIM AMENDMENTS

Claims 1, 2, 3, 5 and 6 are amended to improve form only and correct typographical errors, and the claim amendments do not narrow the scope of the claims or equivalents thereof.

CLAIM OBJECTIONS

In item 8 A) of the final Office Action the Examiner objected to claims 1 and 8, suggesting that “decoding” should be “decrypting.” However, the Applicants assert that dictionary definitions of “decoding” suggest that “decoding” can mean to derive information encoded or encrypted. Therefore, withdrawal of the objection to claims 1 and 8, under item 8 A) is respectfully requested.

In item 8 B) of the final Office Action the Examiner objected to claim 8 for informalities. Claim 8, taking the Examiner’s comments into consideration, has been amended. Withdrawal of the objection to claim 8 under item 8 B) is respectfully requested.

CLAIM REJECTIONS

Newly Cited Prior Art

Hasebe

Hasebe discloses an electronic data protection system for protecting electronic data stored on a storage medium. In particular, encrypted software is stored on a software storage medium 11, the medium key 12 (i.e., medium number of the storage medium) is read therefrom, a software decrypting key is encrypted by the medium key to generate encrypted

permission information 13 and the encrypted permission information 13 is stored on the software storage medium 11 (col. 5, lines 31-33 and col. 7, line 64 to col. 8, line 4).

Distinctions of the Present Invention over the Prior Art

A patentably distinguishing feature of the present invention over the relied upon references is to provide “a *second* use information” accommodating devolution of use rights (claims 1 and 8, emphasis added). Regarding the Examiner’s comments on claim 5 on page 6 of the final Office Action, the Applicants note that “first use information,” “second use information,” and “third use information,” describe devolution (i.e., transferring or use) of the use right (claims 1, 2, 5, and 6). Therefore, second and third use information reflect changed use information after transfer of use rights using an initial use information. Claims 5 and 6 have been amended to correct a typographical error, thereby now depending from claim 2.

Another patentably distinguishing feature of the present invention over the relied upon references is “use information,” which indicate the presence or absence and the range of the right of using (*see for example*, page 5, lines 8-18 and page 8, line 22 to page 9, line 1 of the present Application). In particular, Hasebe does not disclose “use information” of the present invention. Further, Ross does not disclose or suggest “use information,” indicative of the presence or absence and the range of the right of using. The Examiner in item 8, on page 9, lines 9-10 of the final Office Action asserts that “use information” corresponds to Ross’s “license,” which can be disabled by encryption (Ross, col. 3, lines 14-27). However, although Ross uses the term “license,” Ross is generally silent on the details of the “license.” In particular, Ross’s “license” is enabling information, which, for example, can be communicated by a voice operator (Ross, col. 3, lines 46-55; Fig. 7; col. 3, line 58 to col. 4, line 5). Fig. 7 of Ross discloses a complete license 720 which may comprise incomplete license 710 and enable key 712. License 710 contains license information which may be enabled via an associated enabling key. The license information may comprise product numbers and the number of connections (i.e., connections being related to number of network users) (Ross, col.

5, lines 1-13 and lines 50-56). A desired license may be enabled such that software can be used for a number of connections. Therefore, license information in Ross controls software capabilities/functionality (i.e., enabling information) and the license information is used by the software stored on the storage medium (Ross col. 8, lines 9-21).

Claim Recitations of the Present Invention

In contrast to the foregoing references, the present invention (as recited in each independent claim 1 and 8, using the recitation of claim 1 as an example) is directed to a “license devolution apparatus” comprising

decoding means for decoding the *first encryption secure information* stored in said *first storage medium* using the first media ID to obtain the key and *the first use information*; and

encryption means for encrypting with the second media ID the key and *a second use information, representing a second right to use the contents that is devolved from the first storage medium to the second storage medium*, together with one another or individually, with the second media ID, to *generate a second encryption secure information for storage in said second storage medium* (emphasis added).

See for example, Figs. 2 and 5, and page 24, line 14 to page 32, line 17 of the present Application. More particularly, in contrast to Ross, the present invention (as recited in each independent claim 1 and 8) is directed to “a license devolution apparatus” having a configuration that uses “use information” for purposes of managing use rights to copy (distribute) content stored on a storage medium. Therefore, the present invention provides “generating a second encryption secure information,” which includes “a second use information” reflecting devolution of a use right.

Further, in contrast to Ross, in the present information the content being protected and stored on the storage medium may not have to use or rely on the “use information.” *See, for example*, page 25, lines 4-8 of the present Application. Further, in the present invention the “use information” is encrypted using the media ID.

Dependent claims 2-7 (depending, either directly or indirectly, from claim 1) are also patentably distinguishing at least due to their dependencies from claim 1. Withdrawal of the rejection of claims 1-8, and allowance of claims 1-8 is respectfully requested.

Entry of this Amendment is respectfully requested because the foregoing amendments and remarks clarify the patentably distinguishing features of the present invention over the foregoing references.

CONCLUSION

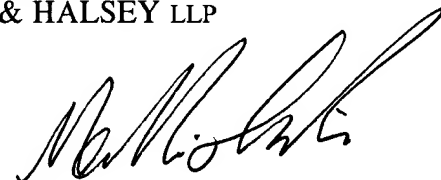
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

In light of the amendments and remarks presented above, Applicants submit that this Application is now in condition for allowance, and such action is hereby respectfully requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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IN THE CLAIMS

Please **AMEND** claims 1, 2, 3, 5, 6, and 8 as follows. Recitation of claims 4 and 7 are provided for reference convenience.

1. (TWICE AMENDED) A license devolution apparatus accessing a first storage medium storing contents encrypted with a predetermined key, a first media ID identifying the first storage medium, and a first encryption secure information generated by encrypting the key and a first use information, representing a right to use the contents, together with one another or individually, with the first media ID, and accessing a second storage medium storing a second media ID identifying the second storage medium, wherein the right of using the contents stored in said first storage medium is devolved from said first storage medium to said second storage medium, said license devolution apparatus comprising:

decoding means for decoding the first encryption secure information stored in said first storage medium using the first media ID to obtain the key and the first use information; and

encryption means for encrypting with the second media ID the key and a second use information, representing a second right to use the contents that is devolved from the first storage medium to the second storage medium, together with one another or individually, with the second media ID, to generate a second encryption secure information for storage in said second storage medium.

2. (TWICE AMENDED) A license devolution apparatus according to claim 1, wherein said encryption means encrypts with the first media ID a third use information, obtained through subtracting the second use information from the first use information, or encrypts with the first media ID both the key and [the] a third right of using, to generate a

third encryption secure information and stores the third encryption secure information [key] in the first storage medium.

3. (TWICE AMENDED) A license devolution apparatus according to claim 1, wherein if the entire rights of using the contents, to which the first storage medium is entitled, are devolved to the second storage medium, [the key constituting] the first encryption secure information stored in the first storage medium is destroyed.

4. (AS ONCE AMENDED) A license devolution apparatus according to claim 1, wherein before devolution of the right to use contents, the first storage medium stores contents whose right to use is intended to be devolved as encrypted contents, and

wherein said license devolution apparatus further comprises contents transfer means for reading the encrypted contents from the first storage medium, and storing in the second storage medium the read encrypted contents.

5. (TWICE AMENDED) A license devolution apparatus according to claim [1] 2, wherein the first use information and the second use information represent the presence of the right to use, and the third use information represents the absence of the right to use.

6. (ONCE AMENDED) A license devolution apparatus according to claim [1] 2, wherein the first use information represents a first available number of times or available time, the second use information represents a second available number of times or available time which is less than the first available number of times or available time, and the third use information represents a third available number of times or available time which is obtained through subtracting the second available number of times or available time from the first available number of times or available time.

7. (AS ONCE AMENDED) A license devolution apparatus according to claim 1, further comprising a first drive and a second drive driving the first storage medium and the second storage medium, respectively, said first drive and said second drive having a first firmware and second firmware accessing the first storage medium and the second storage medium, respectively,

wherein said decoding means and said encryption means are arranged in a firmware including said first firmware and said second firmware in form of a composite unit; and

wherein only said first firmware has authority to access the first storage medium driven by said first drive, and only said second firmware has authority to access the second storage medium driven by said second drive.

8. (ONCE AMENDED) A license devolution method, comprising storing in a first storage medium contents encrypted with a predetermined key, a first media ID identifying the first storage medium, and encryption secure information generated by encrypting with the first media ID, the key and a first use information, which represents a right to use the contents;

decoding the first encryption secure information using the first media ID to obtain the key and the first use information;

generating a second encryption secure information by encrypting with a second media ID, which identifies a second storage medium, the key and a second use information, which represents a second right to use the contents that is devolved from the first storage medium to the second storage medium; and

storing the second encryption secure information in said second storage medium, wherein the right to use the contents stored in the first storage medium is devolved from the first storage medium to the second storage medium.